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APPLICATION NO.	FILIN	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,592	01/0	02/2001	Amy Galland	AG001	1628
5	7590 12/02/2004			EXAMINER	
Amy Galland			WEISBERGER, RICHARD C		
79 Hidden Ridge Dr. Syosset, NY 11791				ART UNIT	PAPER NUMBER
• .				3624	
			DATE MAILED: 12/02/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/752,592	GALLAND, AMY				
Office Action Summary	Examiner	Art Unit				
	Richard C Weisberger	3624				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by statul Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) day is will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 09/0	08/04.					
	is action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) <u>1-4,7-10,12 and 13</u> is/are rejected. 7) ☐ Claim(s) is/are objected to.	)⊠ Claim(s) <u>1-4,7-10,12 and 13</u> is/are rejected.					
Application Papers						
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the lead rawing(s) be held in abeyance. See ction is required if the drawing(s) is objection	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. Its have been received in Applicationity documents have been received in Application (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 08/23/01.	4) Interview Summary Paper No(s)/Mail Do  5) Notice of Informal P  6) Other:					

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## **102 REJECTION**

Claims 1-4, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Cavaan.

The applicant argues that independent claim I has been amended to incorporate the features of dependent claims 5 and 6 and the new amended claim 1 now includes the features not taught by the prior art. Specifically, the applicant argues that the prior art fails to teach the inquiry comprising a direct transfer of money or a pledge. A careful read on amended claim 1 indicates that the inquiry only need be a pledge. Since a pledge can read on merely a "sign" or even an "indication", the pledge is inherent in the "forum" (page 2, 6<sup>th</sup> paragraph). A forum reads on a public meeting for open back and forth discussion. Thus, inherent in the forum between the nonprofit and the philanthropy manager would be some form of a pledge, even if that pledge was only an indication of further consideration.

## **103 REJECTION**

Claims 1-4, 7-10, 12-13 stand rejected under 35 U.S.C. 103(a) as being obvious by Cavaan in view of the Examiner's official notice that it is well known in the art to transfer money via the internet. The applicant's respectfully traversed this rejection. They argued that the prima facie case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. In re Geisler, 116 F.3d 1465, 1471, 43 USPQ 2nd 1362, 1366 (Fed. Cir. 1997). The

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applicant's argue that the present case is directed to funding projects. In contrast, they contend that Cavaan discloses a method of fund-raising for nonprofit agencies in which the nonprofit merely advertises its existence on a website. A careful read of 7 and 8 shows that the language directed to the transfer of money is optional. As for the network based system claims 10,12, and 13, wherein the applicant's expressly claim the money transfer software, the examiner took official notice that this features is well known to those skilled in the art and so to are reasons to combine this teachings. The applicant has presented to arguments directed to this rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 703 308 4408.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 703 308 1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard C Weisberger
Primary Examiner
Art Unit 3624